THE HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.13463 of 2006

Date: 3rd July, 2006

Between :-

Smt. Mandava Asha. ..

Petitioner

And

The Vijayawada, Guntur, Tenali, Mangalagiri,
Urban Development Authority, Vijayawada
rep. By its Vice Chairman & another ..
Respondent

THE HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.13463 of 2006

ORDER:-

Heard both the Counsel.

The Writ Petition is filed for a writ, order of direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in proposing to demolish the structures already constructed/under construction in R.S.No.189, Plot No.11 of Gollapudi village, Vijayawada Rural Mandal, Krishna District in pursuance of the Final Orders in R.C.No.Ex.C.5-2567/2005 dated 14-6-2006 issued under Section 42(1) of the A.P.Urban Areas (Development) Act, 1975 is arbitrary, illegal and against to the provisions of Act and set aside the above said Final Order and pass such other suitable orders.

It is no doubt stated by Smt.Aruna, the learned standing Counsel that there is a remedy of appeal to the writ petitioner to the 1st respondent. However, it is brought to the notice of this Court that an explanation was submitted on 20-5-2006 with certain details and on a perusal of the impugned order, the explanation was neither referred to nor considered. It is needless to say

that the same is in violation of principles of natural justice. In the light of the same, the impugned order is hereby set aside and the matter is remitted to R.2 to consider the explanation already submitted, referred to supra, and pass appropriate orders in accordance with law. The Writ Petition is disposed of accordingly. No costs.

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Justice

P.S.Narayana

3rd July, 2006

SMR